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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,380	01/13/2004	Koji Suzuki	118186	9962

25944 7590 12/06/2005

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P.O. BOX 19928
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EXAMINER

GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/755,380	SUZUKI, KOJI	
	Examiner	Art Unit	
	Steven R. Garland	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/13/04, 11/17/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 11 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 4, 8-10, 12, 13, 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending.
2. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Collins et al. 6,814,814.

Collins et al. 6,814,814 teaches processing a substrate with a first process in which the first process generates reaction products, use of a second process to remove the reaction products, use of a chamber 106 and use of various gases. Collins in col. 7, lines 26-65 discloses that the amount of reaction products is monitored (cleanliness)

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then if the chamber is dirty it is cleaned, retested, and cleaned again if required otherwise the chamber is ready to process substrates. The selection of whether the first or second process is performed is based on the amount of reaction products (cleanliness) and inherently sets the priority of the selected process by performing the higher priority process first before performing the other process. Collins also teaches the use of a local computer controller 300 and sending data to a host 318. See the abstract; figures; col. 1, lines 26-51; col. 3, lines 57-61; col. 4, line 35 to col. 5, line 13; col. 5, lines 26-67; col. 6, line 56 to col. 7, line 7; col. 7, lines 27-65; col. 8, lines 31-65; col. 10, lines 28 -55.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,6,11,14,15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. 6,814,814.

Collins et al. 6,814,814 teaches processing a substrate with a first process in which the first process generates reaction products, use of a second process to remove the reaction products, use of a chamber 106 and use of various gases. Collins in col. 7, lines 26-65 discloses that the amount of reaction products is monitored (cleanliness) then if the chamber is dirty it is cleaned, retested, and cleaned again if required otherwise the chamber is ready to process substrates. The selection of whether the first or second process is performed is based on the amount of reaction products

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(cleanliness) and inherently sets the priority of the selected process by performing the higher priority process first before performing the other process. Collins also teaches the use of a local computer controller 300 and sending data to a host 318. See the abstract; figures; col. 1, lines 26-51; col. 3, lines 57-61; col. 4, line 35 to col. 5, line 13; col. 5, lines 26-67; col. 6, line 56 to col. 7, line 7; col. 7, lines 27-65; col. 8, lines 31-65; col. 10, lines 28 -55.

Collins however does not expressly state that the monitoring is based on a record of the performance of the first and second processes, that the host controls the manufacturing line or that the host determines the order. Collins does teach that the host can control various devices and perform various functions. Col. 10, lines 28-55.

It would have been obvious to one of ordinary skill in the art to modify Collins and record the performance of the first and second processes so that monitoring would be performed in response to the use of the apparatus and not unnecessarily.

Further it would have been obvious to one of ordinary skill in the art to modify Collins and have the host control a manufacturing line so that plural devices could be controlled. Also it would have been obvious to one of ordinary skill in the art to have the host perform the priority determination so that the only one costly controller would be required and which could be used for multiple chambers.

It is also noted that claim 11 only requires that the host determine the process order not actually use the order for anything. This is taught by the local controller of Collins supplying the data to the host by which it determines which process will be performed first.

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7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 5, "the measured amount" lacks a clear antecedent basis. Claim 16 has a similar problem.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narita et al. 6,911,398 is of interest in determining processing order (note abstract). Khan 6802,933 and Mayer et al. 6,544,345 are of interest in cleaning.

10. Claims 4,8-10,12,13, and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

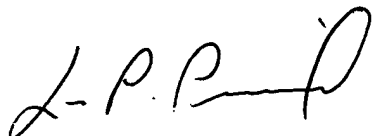
11. Claims 7 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SRG
Steven R Garland
Examiner
Art Unit 2125

12/1/05

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100